United Nations Convention on the Law of the Sea SPLOS/161

Meeting of States Parties

Distr.: General
26 June 2007

Original: English

Seventeenth Meeting
New York, 14 and 18-22 June 2007

Decision on the surrender of savings by the International Tribunal for the Law of the Sea

The Meeting of States Parties,

Considering that, on the basis of the performance report of the International Tribunal for the Law of the Sea 2005-2006, overexpenditures incurred in respect of the budget lines "Annual allowances" and "Special allowances" under section 1, "Remuneration of Judges", amounted to €599,433,[1]

Noting that the overexpenditures could be financed by transfer between appropriation sections, in accordance with the decisions taken by the fifteenth Meeting of States Parties in June 2005,[2]

Considering that the Tribunal proposed that, in accordance with regulation 4.5 of the Financial Regulations of the Tribunal, the balance remaining from the surplus of income over expenditure from the financial period 2002, amounting to €65,816, and the total balance from the financial period 2004, amounting to €208,670, be surrendered and deducted from the assessed contributions of the States parties for 2008,

Considering also that the supplementary budget for 2005-2006, amounting to €351,899, was approved by the Meeting of States Parties with a view to financing overexpenditures due to the application of the floor/ceiling mechanism applicable to the remuneration of members of the Tribunal,

Noting that, as shown by the performance report of the Tribunal for 2005-2006, there was no need for recourse to the supplementary budget to finance the overexpenditures referred to above,

1. *Decides* that an amount of €65,816 from the 2002 savings and an amount of €208,670 from the 2004 savings will be surrendered and deducted from the assessed contributions of the States parties for 2008 in accordance with regulation 4.5 of the Financial Regulations of the Tribunal;

[1] SPLOS/154, para. 8.
[2] See SPLOS/132 and SPLOS/133.

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2. *Also decides* that an amount of €351,899, corresponding to the supplementary budget approved by the Meeting of States Parties, will be surrendered and deducted from the assessed contributions of the States parties for 2008 in accordance with regulation 4.5 of the Financial Regulations of the Tribunal.

United Nations Convention on the Law of the Sea SPLOS/162

Meeting of States Parties

Distr.: General
26 June 2007

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Seventeenth Meeting
New York, 14 and 18-22 June 2007

Decision on issues related to the workload of the Commission on the Limits of the Continental Shelf

The Meeting of States Parties,

Taking note of the letter dated 23 April 2007 from the Chairman of the Commission on the Limits of the Continental Shelf ("the Commission") addressed to the President of the seventeenth Meeting of States Parties (SPLOS/156),

Taking note also of the note by the Secretariat entitled "Issues related to the workload of the Commission on the Limits of the Continental Shelf" (SPLOS/157), as well as of information provided by the Director of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, serving as the secretariat of the Commission ("the Division"), during the seventeenth Meeting of States Parties,

Reaffirming the importance of the work of the Commission for coastal States and the international community as a whole,

Taking into account article 4 of Annex II to the Convention as well as the decision regarding the date of commencement of the ten-year period for making submissions to the Commission (SPLOS/72),

Acknowledging the anticipated workload of the Commission owing to an increasing number of submissions, placing additional demands on its members and on the Division,

Recognizing in this context the burden, including the financial burden, being placed on States, in particular developing States, whose experts are serving on the Commission,

Desirous to ensure that the Commission can perform its functions under the United Nations Convention on the Law of the Sea ("the Convention") effectively and maintain its high level of quality and expertise,

Underlining the need to ensure that all members of the Commission can fulfil their duties effectively, including their full participation in the sessions of the Commission and the meetings of the subcommissions,

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Emphasizing the desirability of maintaining, to the extent possible, given the term of office of the members of the Commission, continuity in the composition of subcommissions throughout the consideration of a submission,

Recalling the important role of the voluntary Trust Fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission, as well as the Trust Fund for the purpose of facilitating the preparation of submissions to the Commission for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea, established by the General Assembly in its resolution 55/7 ("the Trust Funds"),

Bearing in mind the legal framework of the work of the Commission, provided for in article 76 of and Annex II to the Convention, as well as the Rules of Procedure of the Commission,

Bearing in mind also that article 77 of the Convention provides that rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation,

1. *Decides* to continue to address the issues related to the workload of the Commission and funding for its members attending the sessions of the Commission and the meetings of the subcommissions as a matter of priority;

2. *Calls upon* States Parties whose experts are serving on the Commission to do their utmost to ensure the full participation of those experts in the work of the Commission, in accordance with the Convention;

3. *Also calls upon* States Parties to contribute voluntarily to the Trust Funds, with a view to facilitating the participation of the members of the Commission from developing States in the meetings of the Commission, as well as to facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea;

4. *Requests* coastal States Parties to submit to the Secretariat, for work planning purposes, by the end of November 2007, information on whether they intend to make a submission to the Commission and by which date, and requests the Secretariat to circulate a reminder to States Parties to that effect and subsequently report the information thus collected to States Parties;

5. *Calls upon* the Commission to continue to further consider, in consultation with the Secretariat, possible ways of improving its working methods in order to ensure the timely and efficient performance of its functions, including, the possibility of increasing, to the extent possible, the length of its regular sessions, and invites the Chairman of the Commission to inform the next Meeting of States Parties on measures taken in this respect;

6. *Requests* the Secretary-General to take timely measures, before the twenty-first session of the Commission, to strengthen the capacity of the Division, serving as the secretariat of the Commission, in order to ensure enhanced support and assistance to the Commission, and its three subcommissions working

simultaneously, in their consideration of submissions, as required by paragraph 9 of annex III of the Rules of Procedure of the Commission (CLCS/40);

7. *Decides* to take up the issues related to the workload of the Commission at the next Meeting of States Parties under the item "Commission on the Limits of the Continental Shelf: Workload of the Commission";

8. *Decides also* to take up at the next Meeting of States Parties the general issue of the ability of States, particularly developing States, to fulfil the requirements of article 4 of Annex II to the Convention, under the item "The ability of States, particularly developing States, to fulfil the requirements of article 4 of Annex II to the Convention, as well as the decision contained in SPLOS/72, paragraph (a)".

United Nations Convention on the Law of the Sea SPLOS/163

Meeting of States Parties

Distr.: General
10 July 2007

Original: English

Seventeenth Meeting
New York, 14 June and 18-22 June 2007

Decision on the allocation of seats on the Commission and the Tribunal

The Meeting of States Parties,

Having considered the two joint proposals from the African and Asian States parties in relation to the allocation of seats on the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea to reflect the increase in the number of States parties (see annexes),

1. *Decides* that further work on proposals for the allocation of seats would be required to adopt decisions at the commencement of the eighteenth meeting of States parties;

2. *Also decides* to take up at the next meeting of States parties the issue of allocation of seats on the Commission and the Tribunal, under the item entitled "The allocation of seats on the Commission and the Tribunal".

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Annex I

Future elections of the members of the Commission on the Limits of the Continental Shelf: joint African and Asian draft proposal

1. In view of the past substantial growth in the number of, in particular, African and Asian States parties, the present decision is made to satisfy the need for revision of, and some certainty in, the equitable geographical representation in the composition of the Commission on the Limits of the Continental Shelf.

2. (a) Provided that no regional group will have fewer than three seats, the members of the Commission will be elected as follows:

(i) Five plus one commissioners shall be elected from the Group of African States;

(ii) Five plus one commissioners shall be elected from the Group of Asian States;

(iii) Three commissioners shall be elected from the Group of Eastern European States;

(iv) Four commissioners shall be elected from the Group of Latin American and Caribbean States;

(v) Three commissioners shall be elected from the Group of Western European and other States;

(b) The additional one seat of the African and Asian Groups in the Commission shall rotate. Asia shall occupy six seats in the next elections to the Commission, Africa shall occupy six seats in the elections following those, and so on.

3. The above arrangements will be applicable to future elections, while not prejudicing new arrangements necessitated by the proportional growth of any regional group.

Explanation of Joint African and Asian Groups' Proposal for Equitable Geographical Representation in the Commission on the Limits of the Continental Shelf (CLCS) and the International Tribunal for the Law of the Sea (ITLOS), as per Articles 2 and 3 of Annex II of UNCLOS, Articles 2 and 3 of the ITLOS Statute and as per text of Asian Group's Proposal, which is applicable to both CLCS and ITLOS.

	UNCLOS PARTIES	155, including European Community (as of 30 June 2007)				
	1. AFRICAN GROUP	2. ASIAN GROUP	3. EASTERN EUROPEAN GROUP	4. GRULAC	5. WEOG	
1	Burkina Faso	Kiribati	Belarus	Nicaragua	Denmark	
2	Madagascar	Tuvalu	Latvia	Suriname	Canada	
3	Gabon	Qatar	Lithuania	Chile	Luxembourg	
4	South Africa	Bangladesh	Albania	Guatemala	Belgium	
5	Benin	Maldives	Armenia	Haiti	Portugal	
6	Equatorial Guinea	Vanuatu	Hungary	Panama	United Kingdom of Great Britain and Northern Ireland	
7	Mozambique	Nepal	Serbia	Argentina	Spain	
8	Mauritania	Lao People's Democratic Republic	Ukraine	Bolivia	New Zealand	
9	Algeria	Solomon Islands	Poland	Guyana	Netherlands	
10	Sierra Leone	Pakistan	Russian Federation	Barbados	Sweden	
11	Mauritius	Papua New Guinea	Romania	Honduras	Norway	
12	Comoros	Brunei Darussalam	Czech Republic	Saint Vincent and the Grenadines	Ireland	
13	Zimbabwe	Malaysia	Bulgaria	Saint Kitts and Nevis	Finland	
14	Djibouti	Palau	Georgia	Uruguay	France	
15	Seychelles	Mongolia	Slovakia	Costa Rica	Monaco	
16	Angola	Japan	Slovenia	Dominica	Greece	
17	Uganda	China	Croatia	Grenada	Austria	
18	Botswana	Myanmar	The former Yugoslav Republic of Macedonia	Antigua and Barbuda	Italy	
19	Somalia	Saudi Arabia	Bosnia and Herzegovina	Brazil	Germany	
20	Kenya	Republic of Korea	Belarus	Paraguay	Malta	
21	Democratic Republic of the Congo	Nauru	Montenegro	Trinidad and Tobago	Australia	
22	Sao Tome and Principe	Jordan	Moldova	Saint Lucia	Iceland	
23	Cape Verde	Samoa		Cuba		
24	Guinea-Bissau	Tonga		Belize		
25	Nigeria	India		Bahamas		
26	Cameroon	Cook Islands		Jamaica		
27	United Republic of Tanzania	Lebanon		Mexico		
28	Guinea	Singapore				
29	Mali	Viet Nam				
30	Tunisia	Sri Lanka				
31	Togo	Marshall Islands				
32	Sudan	Micronesia (Federated States of)				
33	Senegal	Oman				
34	Gambia	Cyprus				
35	Côte d'Ivoire	Yemen				
36	Egypt	Kuwait				
37	Ghana	Indonesia				
38	Namibia	Iraq				
39	Zambia	Bahrain				
40	Lesotho	Philippines				
41	Morocco	Fiji				
42		Niue				
	5	5	3	4	4	Agreed no. of comms./judges
	23.80%	23.80%	14.30%	19.00%	19.00%	% of comms./judges
	41	42	22	27	22	UNCLOS Parties
	26.62%	27.27%	14.29%	17.53%	14.29%	% of Parties
	5.59	5.73	3.00	3.68	3.00	Proportional no. of comms./judges
	5 + *1*	5 + *1*	3	4	3	Rounded proportional no. of comms./judges

The above two seats (italics; one in CLCS and one in ITLOS) shall rotate. Asia shall occupy them in the next elections, Africa shall occupy them in the elections thereafter, and so on.

Annex II

Future elections of the members of the International Tribunal for the Law of the Sea: joint African and Asian draft proposal

1. In view of the past substantial growth in the number of, in particular, African and Asian States parties, the present decision is made to satisfy the need for revision of, and some certainty in, the equitable geographical representation in the composition of the International Tribunal for the Law of the Sea.

2. (a) Provided that no regional group will have fewer than three seats, the members of the Tribunal will be elected as follows:

(i) Five plus one judges shall be elected from the Group of African States;

(ii) Five plus one judges shall be elected from the Group of Asian States;

(iii) Three judges shall be elected from the Eastern European Group;

(iv) Four judges shall be elected from the Group of Latin American and Caribbean States;

(v) Three judges shall be elected from the Group of Western European and other States;

(b) The additional one seat of the African and Asian Groups in the Tribunal shall rotate. Asia shall occupy six seats in the next elections to the Tribunal, Africa shall occupy six seats in the elections following those, and so on.

3. The above arrangements will be applicable to future elections, while not prejudicing new arrangements necessitated by the proportional growth of any regional group.